

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

CSX TRANSPORTATION, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: 3:05-cv-1120-WKW
	)	
R.J. CORMAN DERAILMENT	)	
SERVICES, LLC, R.J. CORMAN	)	
RAILROAD GROUP, and R.J.	)	
CORMAN COMPANY,	)	
	)	
Defendants.	)	

**JOINT MOTION TO EXTEND THE DISPOSITIVE MOTION DEADLINE AND  
THE DEFENDANT'S EXPERT DEADLINE**

Come now plaintiff CSX Transportation, Inc. and all defendants R.J. Corman Railroad Group, LLC and R.J. Corman Derailment Services, LLC, (collectively referred to as "R.J. Corman") and jointly request this Honorable Court to extend the October 12, 2007 dispositive motion deadline and defendants' expert deadline until Friday, November 16, 2007, and in support thereof state as follows:

1. On April 10, 2007, this Court entered a Uniform Scheduling Order (Doc. No. 31) establishing a discovery schedule and setting this case for a pretrial on February 1, 2008, and for trial on March 10, 2008.

2. The parties have been diligently working to obtain depositions and discovery from numerous out of state witnesses. Defendants have issued subpoenas and the parties began coordinating to complete the depositions in Atlanta, Georgia of various out of state contractors who worked the derailment at issue in this case. CSX Hazmat employees, Tom Murta and Mike Lunsford were deposed on July 26, 2007, and CSX

employees Matt Adkins and William Patrick Harrison were deposed on September 14, 2007 in Atlanta, Georgia. AMEC's corporate representative Sara Matthews was deposed in Nashville, Tennessee on September 20, 2007. Kenneth Richardson (formerly with AMEC) was deposed in Jacksonville, Florida on September 28, 2007. SWS' corporate representative Val Garner and Neal Jones were deposed on Tuesday, October 2, 2007 in Birmingham, Alabama. The depositions of the Hepaco representatives and the CTEH representative are still being scheduled due to conflicts with their depositions as noticed in September. The parties anticipate being able to complete these depositions by mid October. The CTEH deposition will be conducted in Little Rock, Arkansas, and the Hepaco representatives will be deposed in Birmingham, Alabama, and in North Carolina.

3. Simultaneously, the parties have been completing the depositions of CSX's corporate representatives which were first begun on July 27, 2007 and have taken place in Atlanta, Georgia and Jacksonville, Florida. CSX has deposed R.J. Corman representatives Matt Cooper, Bobby Keating, Dan Keating, Matt Britt, Robbie Hines, and Tony Carrillo on September 12-13, 2007 in Atlanta, Georgia and has noticed the deposition of a corporate representative of R.J. Corman.

4. The parties jointly request this Court to extend the dispositive motion deadline and the defendants' expert disclosure deadline from October 12, 2007 until November 16, 2007, to allow the parties to complete the balance of these depositions, to evaluate and present any legal issues, and to provide the defendants' experts with sufficient opportunity to consider these depositions and to provide their Rule 26 expert disclosures. The parties believe that the granting of this extension will assist in the

narrowing of the issues and the possible elimination of some issues to be addressed by summary judgment and by expert testimony.

5. The continuation of these deadlines will not impact the other deadlines in the Court's Scheduling Order including the pretrial or trial setting for this case.

WHEREFORE PREMISES CONSIDERED, the parties request this Court to extend the October 12, 2007 dispositive motion deadline and the defendants' expert disclosure deadline to November 16, 2007.

Done this 3<sup>rd</sup> day of October, 2007.

Respectfully submitted,

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